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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,696	07/05/2000	Seong-jin Moon	1293.1072D2/MDS	4484
21171	7590	11/14/2003	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 11/14/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/610,696

Applicant(s)

MOON ET AL.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/13/03; 9/3/03; and 10/29/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/337,253.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16 and 18.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed Sept. 03, 2003 have been fully considered but they are not persuasive.

In re page 8, applicants state, with respect to provisional obviousness-type double patenting rejections, that applicants will address the provisional obviousness-type double patenting rejections once the pending rejections to the claims are resolved.

In response, since the terminal disclaimer was not received, claims are again provisional rejected under the judicially created doctrine of obviousness-type double patenting.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 11-12, 15-23, 39, and 41 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 15-17, 20-21, 23, 25, 27, and 45 of copending Application No. 09/337,253.

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Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 11 of this application, claim 1 of copending Application No. 09/337,253 recites a data storage medium to store content, comprising formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording method of claim 11 of this application to record the information on the recording medium of claim 1 of copending Application No. 09/337,253.

Regarding claim 12 of this application, claim 2 of copending Application No. 09/337,253 recites the claimed recording a product identification information of the recording apparatus of the manufacturer that modified the content of the recording medium by performing recording/editing on the recording medium.

Regarding claim 15 of this application, claim 1 of copending Application No. 09/337,253 recites a rewritable recording medium to store content, comprising formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information

prior to the recording or the modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording/reproducing method of claim 15 of this application to record the information on the recording medium of claim 1 of copending Application No. 09/337,253.

Regarding claim 16 of this application, claim 15 of copending Application No. 09/337,253 recites the claimed recording a product information code indicating a product model of the recording apparatus that modified the content of the recording medium.

Regarding claim 17 of this application, claim 16 of copending Application No. 09/337,253 recites the claimed recording an operation code indicating information on an operation performed by the recording apparatus other than reproduction of the content of the recording medium.

Regarding claim 18 of this application, claim 17 of copending Application No. 09/337,253 recites the claimed wherein the operation code information is compatible for a plurality for a plurality of different manufacturers.

Regarding claim 19 of this application, claim 20 of copending Application No. 09/337,253 recites the claimed recording a manufacturer information item specific to the manufacturer of the recording apparatus, and a manufacturer code to indicate the manufacturer of the manufacturer information item.

Regarding claim 20 of this application, claim 21 of copending Application No. 09/337,253 recites the claimed recording a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording

apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item.

Regarding claim 21 of this application, claim 23 of copending Application No. 09/337,253 recites the claimed recording time information indicating a time when the manufacturer information item is recorded on the recording medium.

Regarding claim 22 of this application, claim 25 of copending Application No. 09/337,253 recites the claimed recording the manufacturer code and the product code at a beginning part of the manufacturer information item.

Regarding claim 23 of this application, claim 27 of copending Application No. 09/337,253 recites the claimed recording a search pointer indicating a starting address of the manufacturer information item.\

Regarding claim 39 of this application, claim 45 of copending Application No. 09/337,253 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 41 of this application, claim 45 of copending Application No. 09/337,253 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 13-14, 24-38, 40, and 42-43 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 15-17, 20-21, 23, 25, 27, and 45 of copending Application No. 09/337,253 in view of Ohno et al ('366).

Regarding claim 13 of this application, claim 1 of copending Application No. 09/337,253 discloses all the features of the instant invention except for providing verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and a manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective.

Ohno et al teach a magnetic recording/reproducing apparatus having means for verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and the manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of searching of programs recorded on a magnetic tape, indexing of heading portion of the programs and displaying of teletext or closed caption and the like as taught by Ohno et al into claim 1 of copending Application No. 09/337,253 in order to facilitate the managing the information recorded in the recording medium without essentially incurring additional manufacturing cost of the apparatus.

Regarding claim 14 of this application, Ohno et al also discloses the claimed verifying the coincidence of an identification code of a product that last modified the content of the recording medium and a product identification code of the recording/reproducing apparatus to determine whether the manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

Regarding claim 24 of this application, Ohno et al discloses the claimed updating a number of total manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 28).

Regarding claim 25 of this application, Ohno et al discloses the claimed determining whether the number of total manufacturer information items exceeds a predetermined limit, and if so, deleting an oldest manufacturer information item stored on the recording medium (column 3, line 37 to column 4, line 28).

Regarding claim 26 of this application, Ohno et al discloses the claimed recording a last address of manufacturer information which includes the manufacturer identification code and the product information code (column 4, lines 42-65).

Regarding claim 27 of this application, Ohno et al discloses the claimed recording a last address of manufacturer information which includes the manufacturer identification information, the product information code, and the operation code (column 4, lines 42-65).

Claim 28 of this application is rejected for the same reasons as discussed in claims 13 of this application above.



Regarding claim 29 of this application, Ohno et al discloses the claimed reading the content of the recording medium to determine whether the content is effective if the determination is that the read manufacturer identification information does not match that of the recording and reproducing apparatus, and reproducing the content read if the content read is determined to be effective (column 4, lines 42-65).

Regarding claim 30 of this application, Ohno et al discloses the claimed updating only manufacturer information item specific to the manufacturer of the recording and reproducing apparatus, and not updating other manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 28).

Claim 31 of this application is rejected for the same reasons as discussed in claim 13 of this application above.

Regarding claim 32 of this application, Ohno et al discloses the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that last modified the content of the recording medium on the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the product model (column 6, lines 18-31) and determining whether to read the content based upon the read product model (column 6, lines 18-31).

Regarding claim 33 of this application, Ohno et al discloses the claimed wherein the recording medium has an operation code indicating on an operation performed by the recording apparatus that last modified the content of the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the

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operation code (column 6, lines 18-31) and determining how to modify the content based upon the read operation code (column 6, lines 18-31).

Regarding claim 34 of this application, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 35, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacture, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code and the product code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 36 of this application, Ohno et al discloses the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium (column 3, line 37 to column 4,

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line 28), the reproduction method further comprising reading the time information and processing the read time information (column 5, lines 20-31 and column 6, lines 18-31).

Regarding claim 37 of this application, Ohno et al discloses the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item (column 4, lines 42-65), the reproduction method further comprising reading the search pointer and then reading the manufacturer information item at the start address thereof (column 6, lines 18-31).

Regarding claim 38, Ohno et al discloses determining whether the read manufacturer identification code matches a code of a current reproducing apparatus relating to a manufacturer of the reproducing apparatus (column 6, lines 18-31); reading the content for reproduction if there is a match for reproduction of the content (column 6, lines 18-31); reading the content if there is not the match for analyzing the content (column 6, lines 18-31); and reproducing the content if there is the match or if the analysis indicates the content is reproducible by a current reproducing (column 6, lines 18-31).

Regarding claim 41 of this application, claim 45 of copending Application No. 09/337,253 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 42 of this application, claim 45 of copending Application No. 09/337,253 recites the claimed wherein the identification information of the

manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 43 of this application, claim 45 of copending Application No. 09/337,253 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

This is a provisional obviousness-type double patenting rejection.

5. Claims 11-43 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-5, 7, 16-31, 33-39, 40-41, and 44 of copending Application No. 09/610,380. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 11 of this application, claim 4 of copending Application No. 09/610,696 recites a recording apparatus for recording and/or editing content on a data storage medium, comprising a recording controller to record manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification information of the manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognized that the recording apparatus of claim 4 of the copending Application No. 09/610,380 to record the information on the recording medium can be performed by the method of claim 11 of this application.

Regarding claim 12 of this application, claim 5 of copending Application No. 09/610,380 recites the claimed recording a product identification information of the recording apparatus of the manufacturer that last modified the content of the recording medium by performing recording/editing on the recording medium.

Regarding claim 13 of this application, claim 28 of copending Application No. 09/610,380 recites a recording and/or reproducing apparatus to record and/or reproduce content on a recording medium, comprising a recorder to record on the recording medium a manufacturer identification information of the recording and/or reproducing apparatus indicating a manufacturer of the recording and/or reproducing apparatus as the one to record or modify the content of the recording medium different from the identification information prior to the recoding or the modification and a reproducer to read the manufacturer identification information, determine whether the content is effective based upon whether the read manufacturer identification information matches that of the recording and reproducing apparatus, and read the content if the content is effective. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognized that the recording apparatus of claim 28 of the copending Application No. 09/610,380 to record the information on the recording medium can be performed by the method of claim 13 of this application.

Regarding claim 14 of this application, claim 29 of copending Application No. 09/610,380 recites verifying the coincidence of an identification code of a product that last modified the content of the recording medium and a product identification code of

the recording/reproducing apparatus to determine whether the manufacturer specific information of the recording/reproducing apparatus is effective.

Regarding claim 15 of this application, claim 7 of copending Application No. 09/610,380 recites a recording apparatus to record content on a recording medium, comprising a device to record a manufacturer identification information of the recording apparatus on the recording medium in response to the recording apparatus modifying the content, wherein the manufacturer information comprises an identification information of the manufacturer of the recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the recording apparatus of claim 7 of copending Application No. 09/610,380 can be created by the method of claim 15 of this application.

Regarding claim 16 of this application, claim 16 of copending Application No. 09/610,380 recites the claimed recording a product information code indicating a product model of the recording apparatus that last modified the content of the recording medium.

Regarding claim 17 of this application, claim 17 of copending Application No. 09/610,380 recites the claimed recording an operation code indicating information on an operation performed by the recording apparatus other than reproduction of the content of the recording medium.

Regarding claim 18 of this application, claim 18 of copending Application No. 09/610,380 recites the claimed wherein the operation code information is compatible for a plurality of different manufacturers.

Regarding claim 19 of this application, claim 19 of copending Application No. 09/610,380 recites the claimed recording a manufacturer information item specific to the manufacturer of the recording apparatus, and a manufacturer code to indicate the manufacturer of the manufacturer information item.

Regarding claim 20 of this application, claim 20 of copending Application No. 09/610,380 recites the claimed recording a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item.

Regarding claim 21 of this application, claim 21 of copending Application No. 09/610,380 recites the claimed recording time information indicating a time when the manufacturer information item is recorded on the recording medium.

Regarding claim 22 of this application, claim 22 of copending Application No. 09/610,380 recites the claimed recording the manufacturer code and the product code at a beginning part of the manufacturer information item.

Regarding claim 23 of this application, claim 23 of copending Application No. 09/610,380 recites the claimed recording a search pointer indicating a starting address of the manufacturing information item.

Regarding claim 24 of this application, claim 24 of copending Application No. 09/610,380 recites the claimed updating a number of total manufacturer information items recorded on the recording medium.

Regarding claim 25 of this application, claim 25 of copending Application No. 09/610,380 recites the claimed determining whether the number of total manufacturer information items exceeds a predetermined limit, and if so, deleting an oldest manufacturer information item stored on the recording medium.

Regarding claim 26 of this application, claim 26 of copending Application No. 09/610,380 recites the claimed recording a last address of manufacturer information which includes the manufacturer identification information and the product information code.

Regarding claim 27 of this application, claim 27 of copending Application No. 09/610,380 recites the claimed recording a last address of manufacturer information which includes the manufacturer identification information, the product information code, and the operation code.

Regarding claim 28 of this application, claim 28 of copending Application No. 09/610,380 recites the corresponding apparatus and it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the apparatus of claim 28 of copending Application No. 09/610,380 can be performed by the method of claim 28 of this application.

Regarding claim 29 of this application, claim 29 of copending Application No. 09/610,380 recites the claimed reading the content of the recording medium to



determine whether the content is effective if the determination is that the read manufacturer identification information does not match that of the recording and reproducing apparatus, and reproducing the content read if the content read is determined to be effective.

Regarding claim 30 of this application, claim 30 of copending Application No. 09/610,380 recites the claimed updating only manufacturer information item specific to the manufacturer of the recording and reproducing apparatus, and not updating other manufacturer information items recorded on the recording medium.

Regarding claim 31 of this application, claim 31 of copending Application No. 09/610,380 recites the corresponding apparatus and it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the apparatus of claim 31 of copending Application No. 09/610,380 can be performed by the method of claim 31 of this application.

Regarding claim 32 of this application, claim 33 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that last modified the content of the recording medium on the recording medium, the reproduction method further comprising reading the product model and determining whether to read the content based upon the read product model.

Regarding claim 33 of this application, claim 34 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has an operation code indicating on an operation performed by the recording apparatus that modified the

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content of the recording medium, the reproduction method further comprising reading the operation code and determining how to modify the content based upon the read operation code.

Regarding claim 34 of this application, claim 35 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item, the reproduction method further comprising reading the manufacturer code and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus.

Regarding claim 35 of this application, claim 36 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has a manufacturer information item specific to the manufacture, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item, the reproduction method further comprising reading the manufacturer code and the product code and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus.

Regarding claim 36 of this application, claim 37 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has time information

indicating a time when the manufacturer information item is recorded on the recording medium, the reproduction method further comprising reading the time information and processing the read time information.

Regarding claim 37 of this application, claim 38 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item, the reproduction method further comprising reading the search pointer and then reading the manufacturer information item at the start address thereof.

Regarding claim 38 of this application, claim 39 of copending Application No. 09/610,380 recites determining whether the read manufacturer identification information matches a code of a current reproducing apparatus relating to a manufacturer of the reproducing apparatus; reading the content for reproduction if there is a match for reproduction of the content; reading the content if there is not the match for analyzing the content; and reproducing the content if there is the match or if the analysis indicates the content is reproducible by a current reproducing.

Regarding claim 39 of this application, claim 40 of copending Application No. 09/610,380 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 40 of this application, claim 44 of copending Application No. 09/610,380 recites the claimed wherein the identification information of the

manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 41 of this application, claim 41 of copending Application No. 09/610,380 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 42 of this application, claim 44 of copending Application No. 09/610,380 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 43 of this application, claim 41 of copending Application No. 09/610,380 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

6. Claims 11-12 and 15-27, 39, and 41 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/143,930 in view of Aramaki et al (EP 0 833 337 A2).

Regarding claim 11 of this application, claim 1 of copending Application No. 10/143,930 recites an optical data storage medium to store contents, comprising: formatted information for the contents; and manufacturer information comprising identification information of a recording apparatus that generated or modified the contents and order information concerning modification of the contents. It would have

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been obvious to one of ordinary skill in the art at the time of the invention to use the recording method of claim 11 of this application to record the information on the recording medium of claim 1 of copending Application No. 10/143,930. however, claim 1 of copending Application No. 10/143,930 does not specifically recites that the identification information of a manufacturer of a recording apparatus is different from the identification information prior to the recording or the modification.

Aramaki et al teaches an editing apparatus having recording medium for storing manufacturer information including identification information of a manufacturer of a recording apparatus different from the identification information prior to the recording or the modification (updating the U-TOC disclosed in col. 1, lines 33-36 and the U-TOC comprises the recording time, manufacturers code, and the model code disclosed in col. 16, lines 47-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the U-TOC as taught by Aramaki et al into claim 1 of copending Application No. 10/143,930 in order to facilitate the managing of the recorded programs (col. 1, lines 27-32).

Regarding claim 12 of this application, Aramaki et al also discloses the claimed recording a product identification code of the recording apparatus of the manufacturer that modified the content of the recording medium by performing recording/editing on the recording medium (the model code disclosed in col. 16, lines 47-55).

Claim 15 is rejected for the same reasons as discussed in claim 11 above.

Regarding claim 16 of this application, Aramaki et al discloses the claimed recording a product information code indicating a product model of the recording apparatus that modified the content of the recording (the model code disclosed I col. 16, lines 47-55).

Regarding claim 17 of this application, Aramaki et al discloses the claimed recording an operation code indicating information on an operation performed by the recording apparatus other than reproduction of the content of the recording medium (manufacturers code and model code disclosed in col. 16, lines 47-55).

Regarding claim 18 of this application, Aramaki et al discloses the claimed wherein the operation code information is compatible for a plurality of different manufacturers (manufacturers code disclosed in col. 16, lines 47-55).

Regarding claim 19 of this application, Aramaki et al discloses the claimed recording a manufacturer information item specific to the manufacturer of the recording apparatus (programs disclosed in col. 8, lines 18-26), and a manufacture code to indicate the manufacturer of the manufacturer information item (manufacturers code disclosed in col. 16, lines 47-55).

Regarding claim 20 of this application, Aramaki et al discloses the claimed recording a manufacturer information item specific to the manufacturer (programs disclosed in col. 8, lines 18-26), a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item (manufacturers code disclosed in col. 16, lines 47-55), and a product code to indicate a product model of the

recording apparatus of the manufacturer information item (model code disclosed in col. 16, lines 47-55).

Regarding claim 21 of this application, Aramaki et al discloses the claimed recording time information indicating a time when the manufacturer information item is recorded on the recording medium (time disclosed in col. 16, lines 47-55).

Regarding claim 22 of this application, Aramaki et al discloses the claimed recording the manufacturer code and the product code at a beginning part of the manufacturer information item (col. 16, lines 47-55).

Regarding claim 23 of this application, Aramaki et al discloses the claimed recording a searching pointer indicating a starting address of the manufacturer information item (the addresses of U-TOCs disclosed in col. 11, lines 19-26).

Regarding claim 24 of this application, Aramaki et al discloses the claimed updating a number of total manufacturer information items recorded on the recording medium (the editing function disclosed in cols. 19-20).

Regarding claim 25 of this application, Aramaki et al discloses the claimed determining whether the number of total manufacturer information items exceeds a predetermined limit, and if so, deleting an oldest manufacturer information item stored on the recording medium (the editing function disclosed in cols. 19-20).

Regarding claim 26 of this application, Aramaki et al discloses the claimed recording an address of manufacturer information which includes the manufacturer identification information and the product information code (the addresses of U-TOCs disclosed in col. 11, lines 19-26 and model code disclosed in col. 16, lines 47-55).

Regarding claim 27 of this application, Aramaki et al discloses the claimed recording an last address of manufacturer information which includes the manufacturer identification information, the product information code, and the operation code (the addresses of U-TOCs disclosed in col. 11, lines 19-26, manufacturers code disclosed in col. 16, lines 47-55, and model code disclosed in col. 16, lines 47-55).

Regarding claim 39 of this application, Aramaki et al discloses the claimed wherein the identification information corresponds to the manufacturer of the recording apparatus that last recorded or modified the content of the recording medium (col. 16, lines 47-55).

Claim 41 is rejected for the same reasons as discussed in claim 39 above.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 13-14, 28-38, 40, and 42-43 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/143,930 in view of Aramaki et al (EP 0 833 337 A2) and further in view of Ohno et al ('366).

Regarding claim 13 of this application, the combination of claim 1 of copending Application No. 10/143,930 and Aramaki et al as discussed in claim 11 above discloses all the features of the instant invention except for providing verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and a manufacturer identification information of the recording/reproducing apparatus to determine whether manufacturer specific



information of the recording/reproducing apparatus is effective, wherein the identification information of the manufacturer is different from the identification information prior to the recording or the modification.

Ohno et al teach a magnetic recording/reproducing apparatus having means for verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and the manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of searching of programs recorded on a magnetic tape, indexing of heading portion of the programs and displaying of teletext or closed caption and the like as taught by Ohno et al into the combination of claim 1 of copending Application No. 10/143,930 and Aramaki et al in order to facilitate the managing the information recorded in the recording medium without essentially incurring additional manufacturing cost of the apparatus.

Regarding claim 14 of this application, Ohno et al also discloses the claimed verifying the coincidence of an identification code of a product that modified the content of the recording medium and a product identification code of the recording/reproducing apparatus to determine whether the manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

Claim 28 of this application is rejected for the same reasons as discussed in claims 13 of this application above.

Regarding claim 29 of this application, Ohno et al discloses the claimed reading the content of the recording medium to determine whether the content is effective if the determination is that the read manufacturer identification information does not match that of the recording and reproducing apparatus, and reproducing the content read if the content read is determined to be effective (column 4, lines 42-65).

Regarding claim 30 of this application, Ohno et al discloses the claimed updating only manufacturer information item specific to the manufacturer of the recording and reproducing apparatus, and not updating other manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 28).

Claim 31 of this application is rejected for the same reasons as discussed in claim 13 of this application above.

Regarding claim 32 of this application, Ohno et al discloses the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that modified the content of the recording medium on the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the product model (column 6, lines 18-31) and determining whether to read the content based upon the read product model (column 6, lines 18-31).

Regarding claim 33 of this application, Ohno et al discloses the claimed wherein the recording medium has an operation code indicating on an operation performed by the recording apparatus that last modified the content of the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the

operation code (column 6, lines 18-31) and determining how to modify the content based upon the read operation code (column 6, lines 18-31).

Regarding claim 34 of this application, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 35, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacture, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code and the product code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 36 of this application, Ohno et al discloses the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium (column 3, line 37 to column 4,

line 28), the reproduction method further comprising reading the time information and processing the read time information (column 5, lines 20-31 and column 6, lines 18-31).

Regarding claim 37 of this application, Ohno et al discloses the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item (column 4, lines 42-65), the reproduction method further comprising reading the search pointer and then reading the manufacturer information item at the start address thereof (column 6, lines 18-31).

Regarding claim 38, Ohno et al discloses determining whether the read manufacturer identification code matches a code of a current reproducing apparatus relating to a manufacturer of the reproducing apparatus (column 6, lines 18-31); reading the content for reproduction if there is a match for reproduction of the content (column 6, lines 18-31); reading the content if there is not the match for analyzing the content (column 6, lines 18-31); and reproducing the content if there is the match or if the analysis indicates the content is reproducible by a current reproducing (column 6, lines 18-31).

Regarding claim 41 of this application, Aramaki et al discloses the claimed wherein the identification information corresponds to the manufacturer of the recording apparatus that last recorded or modified the content of the recording medium (col. 16, lines 47-55).

Regarding claim 42 of this application, Aramaki et al discloses the claimed wherein the identification information corresponds to the manufacturer of the recording

apparatus that last recorded or modified the content of the recording medium (col. 16, lines 47-55).

This is a provisional obviousness-type double patenting rejection.

***Response to Arguments***

8. Applicant's arguments with respect to claims 11-43 rejected under 35 U.S.C. 103(a) have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 11-12 and 15-27, 39, and 41 are rejected under 35 U.S.C. 102(a) as being anticipated by Arakami et al (EP 0 833 337 A2).

Regarding claim 11 of this application, Aramaki et al discloses a method of recording and/or editing content on a data recording medium (Fig. 3), comprising:

recording an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification (updating the U-TOC disclosed in col. 1, lines 33-36 and the U-TOC comprises the recording time, manufacturers code, and the model code disclosed in col. 16, lines 47-55).

Regarding claim 12 of this application, Aramaki et al also discloses the claimed recording a product identification code of the recording apparatus of the manufacturer

that modified the content of the recording medium by performing recording/editing on the recording medium (the model code disclosed in col. 16, lines 47-55).

Claim 15 is rejected for the same reasons as discussed in claim 11 above.

Regarding claim 16 of this application, Aramaki et al discloses the claimed recording a product information code indicating a product model of the recording apparatus that modified the content of the recording (the model code disclosed I col. 16, lines 47-55).

Regarding claim 17 of this application, Aramaki et al discloses the claimed recording an operation code indicating information on an operation performed by the recording apparatus other than reproduction of the content of the recording medium (manufacturers code and model code disclosed in col. 16, lines 47-55).

Regarding claim 18 of this application, Aramaki et al discloses the claimed wherein the operation code information is compatible for a plurality of different manufacturers (manufacturers code disclosed in col. 16, lines 47-55).

Regarding claim 19 of this application, Aramaki et al discloses the claimed recording a manufacturer information item specific to the manufacturer of the recording apparatus (programs disclosed in col. 8, lines 18-26), and a manufacture code to indicate the manufacturer of the manufacturer information item (manufacturers code disclosed in col. 16, lines 47-55).

Regarding claim 20 of this application, Aramaki et al discloses the claimed recording a manufacturer information item specific to the manufacturer (programs disclosed in col. 8, lines 18-26), a manufacturer code to indicate the manufacturer of the

recording apparatus of the manufacturer information item (manufacturers code disclosed in col. 16, lines 47-55), and a product code to indicate a product model of the recording apparatus of the manufacturer information item (model code disclosed in col. 16, lines 47-55).

Regarding claim 21 of this application, Aramaki et al discloses the claimed recording time information indicating a time when the manufacturer information item is recorded on the recording medium (time disclosed in col. 16, lines 47-55).

Regarding claim 22 of this application, Aramaki et al discloses the claimed recording the manufacturer code and the product code at a beginning part of the manufacturer information item (col. 16, lines 47-55).

Regarding claim 23 of this application, Aramaki et al discloses the claimed recording a searching pointer indicating a starting address of the manufacturer information item (the addresses of U-TOCs disclosed in col. 11, lines 19-26).

Regarding claim 24 of this application, Aramaki et al discloses the claimed updating a number of total manufacturer information items recorded on the recording medium (the editing function disclosed in cols. 19-20).

Regarding claim 25 of this application, Aramaki et al discloses the claimed determining whether the number of total manufacturer information items exceeds a predetermined limit, and if so, deleting an oldest manufacturer information item stored on the recording medium (the editing function disclosed in cols. 19-20).

Regarding claim 26 of this application, Aramaki et al discloses the claimed recording an address of manufacturer information which includes the manufacturer

identification information and the product information code (the addresses of U-TOCs disclosed in col. 11, lines 19-26 and model code disclosed in col. 16, lines 47-55).

Regarding claim 27 of this application, Aramaki et al discloses the claimed recording an last address of manufacturer information which includes the manufacturer identification information, the product information code, and the operation code (the addresses of U-TOCs disclosed in col. 11, lines 19-26, manufacturers code disclosed in col. 16, lines 47-55, and model code disclosed in col. 16, lines 47-55).

Regarding claim 39 of this application, Aramaki et al discloses the claimed wherein the identification information corresponds to the manufacturer of the recording apparatus that last recorded or modified the content of the recording medium (col. 16, lines 47-55).

Claim 41 is rejected for the same reasons as discussed in claim 39 above.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation



under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 13-14, 28-38, 40, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aramaki et al (EP 0 833 337 A2) in view of Ohno et al ('366).

Regarding claim 13 of this application, Aramaki et al as discussed in claim 11 above discloses all the features of the instant invention except for providing verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and a manufacturer identification information of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective, wherein the identification information of the manufacturer is different from the identification information prior to the recording or the modification.

Ohno et al teach a magnetic recording/reproducing apparatus having means for verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and the manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of searching of programs recorded on a magnetic tape, indexing of heading portion of the programs and displaying of teletext or

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closed caption and the like as taught by Ohno et al into Aramaki et al's system in order to facilitate the managing the information recorded in the recording medium without essentially incurring additional manufacturing cost of the apparatus.

Regarding claim 14 of this application, Ohno et al also discloses the claimed verifying the coincidence of an identification code of a product that modified the content of the recording medium and a product identification code of the recording/reproducing apparatus to determine whether the manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

Claim 28 of this application is rejected for the same reasons as discussed in claims 13 of this application above.

Regarding claim 29 of this application, Ohno et al discloses the claimed reading the content of the recording medium to determine whether the content is effective if the determination is that the read manufacturer identification information does not match that of the recording and reproducing apparatus, and reproducing the content read if the content read is determined to be effective (column 4, lines 42-65).

Regarding claim 30 of this application, Ohno et al discloses the claimed updating only manufacturer information item specific to the manufacturer of the recording and reproducing apparatus, and not updating other manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 28).

Claim 31 of this application is rejected for the same reasons as discussed in claim 13 of this application above.

Regarding claim 32 of this application, Ohno et al discloses the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that modified the content of the recording medium on the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the product model (column 6, lines 18-31) and determining whether to read the content based upon the read product model (column 6, lines 18-31).

Regarding claim 33 of this application, Ohno et al discloses the claimed wherein the recording medium has an operation code indicating on an operation performed by the recording apparatus that last modified the content of the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the operation code (column 6, lines 18-31) and determining how to modify the content based upon the read operation code (column 6, lines 18-31).

Regarding claim 34 of this application, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 35, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacture, a manufacturer code to indicate the manufacturer of the recording apparatus of the

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manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code and the product code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 36 of this application, Ohno et al discloses the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the time information and processing the read time information (column 5, lines 20-31 and column 6, lines 18-31).

Regarding claim 37 of this application, Ohno et al discloses the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item (column 4, lines 42-65), the reproduction method further comprising reading the search pointer and then reading the manufacturer information item at the start address thereof (column 6, lines 18-31).

Regarding claim 38, Ohno et al discloses determining whether the read manufacturer identification code matches a code of a current reproducing apparatus relating to a manufacturer of the reproducing apparatus (column 6, lines 18-31); reading the content for reproduction if there is a match for reproduction of the content (column 6, lines 18-31); reading the content if there is not the match for analyzing the content

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(column 6, lines 18-31); and reproducing the content if there is the match or if the analysis indicates the content is reproducible by a current reproducing (column 6, lines 18-31).

Regarding claim 41 of this application, Aramaki et al discloses the claimed wherein the identification information corresponds to the manufacturer of the recording apparatus that last recorded or modified the content of the recording medium (col. 16, lines 47-55).

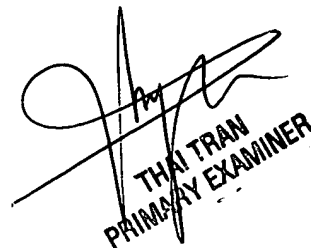
Regarding claim 42 of this application, Aramaki et al discloses the claimed wherein the identification information corresponds to the manufacturer of the recording apparatus that last recorded or modified the content of the recording medium (col. 16, lines 47-55).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ

  
THAI TRAN  
PRIMARY EXAMINER